

REMARKS

In the **final** Office Action of December 20, 2010, the Office noted that claims 24-26, 28, 30-36, 38, 39 and 41-67 were pending and rejected claims 24-26, 28, 30-36, 38, 39 and 41-67. In this amendment claims 32, 35, and 43 have been amended, claims 24-26, 28, 31, 36, 42 and 44-67 have been canceled, and thus, in view of the foregoing, claims 32-35, 38, 39, 41 and 43 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 24-26, 28, 30-36, 38, 39 and 41-53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, U.S. Patent Publication No. 2003/0059205 in view of Ito, U.S. Patent Publication No. 2003/0137909 in view of Takahashi, U.S. Patent Publication No. 2003/0179669, in view of Mitsuda, U.S. Patent Publication No. 2003/0193859. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claim 32 to recite "a first controlling device for controlling said recording device to record the record information alternately into said first recording layer and said second recording layer in an opposite track path manner **and thereby to form a plurality of border areas, wherein the border area (i) is a recording unit by which**

*the record information is alternately recorded and (ii) includes a first area portion in the first recording layer and a second area portion in the second recording layer whose radius position is substantially same as that of the first area portion;* a second controlling device for controlling said recording device to update-record anchor information, which is recorded in anchor area as being a start point in reading file system information for controlling at least one of recording and reproduction of the record information and which is referred to in reading the file system information, into a recording area *in each of said first recording layer and said second recording layer*, whose position is variable, other than the anchor area as the record information after a recording of *the* border area is finished, wherein the *anchor area is prepared each of said first recording layer and said second recording layer; ... and a fifth controlling device for controlling said recording device to record the anchor information into a border-in area and a border-out area each of which is prepared on said second recording layer and each of which is a border management area to manage the border area, in closing the border area."* (Emphasis added)

Support for the amendment may be found, for example, in Figs. 2 and 5, as well as page 4, lines 6-8; page 26 lines 1-3; page 31 line 25 through page 32 line 12; page 35 line 24 through page 36 line 19; and page 45 lines 13-15 of the Specification.

The present claims solve the problem in performing the border-recording (i.e. the recording by a unit of border area, as shown in Fig. 2 of the present application) in the opposite track path manner while recording the anchor information into both of the first and second recording layer, by which a plurality of border area are formed. More specifically, the amended claims address the technical problem, which is caused by forming the plurality of border area, that the position (address) of the area, into which the anchor information is recorded and which is prepared on each of the first and the second recording layer, is changed and cannot be recognized after the two or more border areas are formed and that thereby the file system cannot be read (see page 33 line 14 to page 34 line 2 of the Specification).

This problem is not considered in Suzuki, Ito, Takahashi and Mitsuda.

Specifically, Suzuki merely discusses that anchor is updated (i.e. overwritten) only in the fixed anchor area (see paragraphs 49 and 59, and Fig. 3 of Suzuki). Namely, Suzuki does not consider the change of the position (address) of the anchor, which means that Suzuki does not consider that the anchor cannot be read after some recording process.

Therefore, Suzuki does not suggest the problem, because Suzuki does not consider the relationship between the readability of the "anchor" and the forming of the plurality of recording units.

Takahashi discusses the "anchor" is merely the information located on the end of the defect list 112, and is not information which is referred to in reading file system information.

Therefore, Takahashi does not suggest the problem, because (i) the "anchor" in Takahashi is absolutely different from the "anchor information" of the present invention and (ii) Takahashi does not consider the relationship between the readability of the "anchor" and the forming of the plurality of recording units.

Ito and Mitsuda do not disclose the "anchor". Therefore, it is obvious that Ito and Mitsuda do not suggest the above technical problem.

Considering the above disclosure of Suzuki, Takahashi, Ito and Mitsuda related to the above new technical problem (i.e. the relationship between the readability of the "anchor" and the forming of the plurality of recording units), it is hardly possible that the combination of Suzuki, Takahashi, Ito and Mitsuda suggest the claims 32 and 43 which can solve the problem related to the relationship between the readability of the "anchor" and the forming of the plurality of recording units.

Further, according to the present claims, the technical problem can be solved by such novel features of the present invention of claims 32 and 43 that (i) the recording area in which the anchor information is update-recorded are prepared on

the first and the second recording layer and (ii) the update block sector pointers indicates an address value of the recording area other than the anchor area in which the anchor information is update-recorded.

In particular, by referring to the update block sector pointers, the position of the recording area in which the anchor information is update-recorded, even if position of the recording area in which the anchor information is update-recorded is changed.

As argued above, since Suzuki, Takahashi, Ito and Mitsuda does not consider the technical problem (i.e. the relationship between the readability of the "anchor" and the forming of the plurality of recording units), the combination of the "updated anchor" in Suzuki (see paragraph 0049) or the "variable anchor" in Takahashi (see paragraph 0132) and the "anchor identifier" in Takahashi (see paragraph 0130) is absolutely and technically different from the combination of the "update area" and the "update block sector pointers".

The combination of Suzuki, Takahashi, Ito and Mitsuda do not suggest such a feature of an update block sector effective flag correspond to respective one of the update block sector pointers and indicates whether or not the anchor information is update-recorded into the recording area other than the anchor area.

According to the instant feature, the following technical effect can be obtained. Specifically, it is possible to relatively easily recognize whether the anchor information is recorded in the default anchor area (i.e. the recording area of the anchor information is not updated from the default anchor area) or the anchor information is recorded in a recording area other than the default anchor area (i.e. the recording area of the anchor information is updated from the default anchor area) (page 36 lines 7-19 of the Specification).

The "update flag" disclosed in Mitsuda does not consider relatively easy reading of the anchor information (or any information). Thus, it is technically obvious that the "update flag" disclosed in Mitsuda is absolutely different from the update block sector effective flag of the present invention of claims 32 and 43.

Therefore, considering the instant technical effect, it is further obvious that the combination of Suzuki, Takahashi, Ito and Mitsuda does not suggest the instant feature which can obtain the above technical effect.

The combination of Suzuki, Takahashi, Ito and Mitsuda does not suggest such the instant feature of claims 32 and 43 that the anchor information is recorded into a border-in area and a border-out area each of which is prepared on said second recording layer and each of which is a border management area to manage the border area, in closing the border area.

In particular, each of Suzuki, Takahashi and Mitsuda does not disclose the "border area", as the Office recognized. Thus, it is obvious that each of Suzuki, Takahashi and Mitsuda does not disclose the instant feature related to the detailed feature of the "border area".

Further, Ito merely discusses the defect management region 12 on the first recording layer 51, however, does not disclose the corresponding region on the second recording layer 52. Thus, Ito does not disclose the "border area". Thus, it is obvious that Ito does not disclose the instant novel feature related to the detailed feature of the "border area".

In addition, according to the instant feature, the following technical effect can be obtained. Specifically, the anchor information is recorded in two places (the border-in area and the border-out area) in closing the border area, even if either one of the anchor information cannot be read for some reasons, the other anchor data can be read, to thereby read the file system information 101 (or 111), preferably.

In particular, the border-in area and the border-out area are located away from each other, which hardly causes such a situation that the both anchor information cannot be read at the same time. Namely, it is possible to receive such an advantage that a failure-proof capability improves more by recording the anchor data in two places, as described above (see page 51 lines 1 to 11 of the Specification).

Considering the instant technical effect, it is further obvious that the combination of Suzuki, Takahashi, Ito and Mitsuda does not suggest the instant feature which can obtain the above technical effect.

For at least the reasons discussed above, Suzuki, Ito Takahashi and Mitsuda, taken separately or in combination, fail to render obvious the features of claims 32 and 43 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 32-35, 38, 39, 41 and 43 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.



The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./  
James J. Livingston, Jr.  
Reg. No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JJL/dl